



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/611,305

06/30/2003

Richard A. Graff

Graff-P1-03

5177

7590

10/18/2007

Peter K. Trzyna
P.O. Box 7131
Chicago, IL 60680-7131

EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/611,305

Applicant(s)

GRAFF, RICHARD A.

Examiner

JAGDISH PATEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003 and 22 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/07, 11/14/05, 6/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-5,7,15-17,25-27,29-31,33-36,44-46,54,55,58,63,65-69,71,73,75,77,79,81-85,87,89,91,93,95-102,104,106,126-138,161-167,169,171,173,175 and 179.

Continuation of Disposition of Claims: Claims rejected are 1-5,7,15-17,25-27,29-31,33-36,44-46,54,55,58,63,65-69,71,73,75,77,79,81-85,87,89,91,93,95-102,104,106,126-138,161-167,169,171,173,175 and 179.

DETAILED ACTION

Election/Restrictions

1. The applicant's pre-amendment filed 8/22/07 has been acknowledged. Claims 1-5, 7, 15-17, 25-27, 29-31, 33-36, 44-46, 54-55, 58, 63, 65-69, 71, 73, 75, 77, 79, 81-85, 87, 89, 91, 93, 95-102, 104, 106, 126-138, 161-167, 167, 167, 169, 171, 173, 175 and 179 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7, 15-17, 25-27, 29-31, 33-36, 44-46, 54-55, 58, 63, 65-69, 71, 73, 75, 77, 79, 81-85, 87, 89, 91, 93, 95-102, 104, 106, 126-138, 161-167, 167, 167, 169, 171, 173, 175 and 179 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 7, 15-17, 25-27, 29-31, 33-36, 44-46, 54-55, 58, 63, 65-69, 71, 73, 75, 77, 79, 81-85, 87, 89, 91, 93, 95-102, 104, 106, 126-138, 161-167, 167, 167, 169, 171, 173, 175 and 179 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 1-5, 7, 15-17, 25-27, 29-31, 33-36, 44-46, 54-55, 58, 63, 65-69, 71, 73, 75, 77, 79, 81-85, 87, 89, 91, 93, 95-102, 104, 106, 126-138, 161-167, 167, 167, 169, 171, 173, 175 and 179 are indefinite for the following reasons:

a processor is programmed to change input signals to modified signals.

An input device provides input signals to the processor.

The processor receives the input signals [i.e. the (data associated with) a price a buyer is willing to pay for a property (that includes an income-producing security that is not a tax-exempt security and is not a fixed-income security, wherein most income produced by the income-producing security is tax-exempt)].

Art Unit: 3693

The processor changes the input signals to modified signals, which represent a (system determined) purchase price for the property.

The output device converts the modified signal modified signals into output including the (system determined) purchase price.

The claim is directed to a processor which receives an input value of the price of a property a buyer is willing to pay as stated and generates an output value of the purchase price of the property.

The claim is indefinite because it does not specifically point out the manner in which the (system-determined) purchase price is calculated. In particular, the claim fails to specify any relationship of the system determined purchase price to the price the buyer is willing to pay. Therefore, the claims as presented are incomplete and interpreted as omitting essential steps required in determination of the system-determined purchase price.

The claim for example, recites various attributes of the property in defining the input price (property that includes ..), however, no relationship of these attributes to the system determined price.

Alternatively, whereas the claims recite that the processor is programmed to change the input signals to produce modified signals they fail to specify the elements of the program, which in combination lead to the modified signal.

Claims 65-69, 71, 73,75,77, 127, 129-138 recite process that corresponds to process performed by the apparatus of claims 1-5, 7, 15-17, 25-27, 29-31 and rejected under 35 USC 112 (second) under same grounds.

Impendent claims 81, 95 and respective dependent claims also contain deficiencies outlined above.

Independent claims 65 and 81 recite "at least some of the input signals" which renders the claim indefinite because the scope of the claim cannot be ascertained as to which input signals produce the modified signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu

Art Unit: 3693

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

10/12/07